

By: Noble

H.B. No. 1929

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prohibition of certain transactions between a
3 governmental entity and an abortion provider or affiliate of the
4 provider.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle F, Title 10, Government Code, is
7 amended by adding Chapter 2272 to read as follows:

8 CHAPTER 2272. PROHIBITED TRANSACTIONS

9 Sec. 2272.001. DEFINITIONS. In this chapter:

10 (1) "Abortion" means an act or procedure performed
11 after pregnancy has been medically verified and with the intent to
12 cause the termination of a pregnancy other than for the purpose of
13 either the birth of a live fetus or removing a dead fetus. The term
14 does not include birth control devices or oral contraceptives.

15 (2) "Abortion provider" means:

16 (A) a facility licensed under Chapter 245, Health
17 and Safety Code; or

18 (B) an ambulatory surgical center licensed under
19 Chapter 243, Health and Safety Code, that is used substantially for
20 the purpose of performing abortions.

21 (3) "Affiliate" means an entity or individual that
22 has, with another entity or individual, a legal relationship
23 created or governed by at least one written document.

24 (4) "Governmental entity" means this state, a state

1 agency in the executive, judicial, or legislative branch of state
2 government, or a political subdivision of this state.

3 (5) "Taxpayer resource transaction" means a sale,
4 purchase, lease, or donation of money, goods, services, or real
5 property, or any other transaction between a governmental entity
6 and a private entity or individual that provides to the private
7 entity or individual something of value derived directly or
8 indirectly from state or local tax revenue, regardless of whether
9 the governmental entity receives something of value in return. The
10 term does not include the provision of basic governmental services,
11 including fire and police protection.

12 Sec. 2272.002. APPLICABILITY. For purposes of this
13 chapter, a facility is not considered an abortion provider solely
14 because an abortion is performed at the facility to prevent a
15 patient's death or serious impairment in accordance with Section
16 245.016, Health and Safety Code.

17 Sec. 2272.003. ABORTION PROVIDER AND AFFILIATE
18 TRANSACTIONS PROHIBITED; EXCEPTION. (a) Except as provided by
19 Subsection (c), a governmental entity may not enter into a taxpayer
20 resource transaction with an abortion provider or an affiliate of
21 an abortion provider.

22 (b) An entity or individual is not considered an affiliate
23 of another entity or individual for purposes of this section unless
24 the entity or individual, by way of at least one written document,
25 including a certificate of formation, a franchise agreement,
26 standards of affiliation, bylaws, or a license, demonstrates:

27 (1) common ownership, management, or control between

1 the parties to the relationship;

2 (2) the existence of a franchise granted by the other
3 entity or individual to the affiliate; or

4 (3) the granting or extension of a license or other
5 agreement authorizing the affiliate to use the other entity's or
6 individual's brand name, trademark, service mark, or other
7 registered identification mark.

8 (c) This section does not apply to a taxpayer resource
9 transaction that is subject to a federal law in conflict with
10 Subsection (a) as determined by the executive commissioner of the
11 Health and Human Services Commission and confirmed in writing by
12 the attorney general.

13 Sec. 2272.004. INJUNCTION; WAIVER OF IMMUNITY. (a) The
14 attorney general may bring an action in the name of the state to
15 enjoin a violation of Section 2272.003. The attorney general may
16 recover reasonable attorney's fees and costs incurred in bringing
17 an action under this subsection.

18 (b) Sovereign or governmental immunity, as applicable, of a
19 governmental entity to suit and from liability is waived to the
20 extent of liability created by Subsection (a).

21 SECTION 2. Chapter 2272, Government Code, as added by this
22 Act, applies only to a taxpayer resource transaction entered into
23 on or after the effective date of this Act.

24 SECTION 3. This Act takes effect July 1, 2019, if it
25 receives a vote of two-thirds of all the members elected to each
26 house, as provided by Section 39, Article III, Texas Constitution.
27 If this Act does not receive the vote necessary for effect on that

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1 date, this Act takes effect September 1, 2019.